

DAVID H. ANGELI, OSB No. 020244

david@angelilaw.com

MICHELLE KERIN, OSB No. 965278

michelle@angelilaw.com

AMY E. POTTER, OSB No. 231794

amy@angelilaw.com

AMANDA A. THIBEAULT, OSB No. 132913

amanda@angelilaw.com

ANGELI LAW GROUP LLC

121 SW Morrison Street, Suite 400

Portland, OR 97204

Telephone: (503) 954-2232

Facsimile: (503) 227-0880

Attorneys for Defendant Samuel Troy Landis

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff.

vs.

SAMUEL TROY LANDIS

Defendant.

Case No. 6:23-cr-00330-MC

**DECLARATION IN SUPPORT OF
MOTION TO EXCLUDE TIME**

1. My name is Michelle Holman Kerin. I am a member of the Oregon state bar. I represent defendant Samuel Troy Landis in the above-captioned matter. I make the following statements in support of Mr. Landis' Motion to Exclude Time ("Motion to Exclude"), filed contemporaneously, and based on my personal knowledge.

2. Mr. Landis is a sworn federal law enforcement officer with the Drug Enforcement Administration (DEA). On March 28, 2023, he was performing surveillance of a suspected fentanyl trafficker with the DEA Salem Drug Task Force and was involved in a car accident that resulted in the death of a bicyclist. He was charged by the State of Oregon with criminally

negligent homicide.

3. As a federal employee, Mr. Landis had the right to remove this criminal case to federal court and he did so. ECF No. 1. This Court accepted the removal, over the State's objections, on December 12, 2023, and set trial for May 1, 2024. ECF No. 22. The Court further found 142 days were excluded under the Speedy Trial Act. *Id.*

4. On January 8, 2024, the State petitioned the Ninth Circuit Court of Appeals to issue a writ of mandamus overturning this Court's order. On January 22, 2024, this Court stayed the case until the Ninth Circuit ruled on the State's petition; the Court further excluded all time under the Speedy Trial Act until the Ninth Circuit ruled on the pending petition. ECF No. 29. The Ninth Circuit denied the State's petition on May 20, 2024. ECF No. 32.

5. On May 30, 2024, based on the parties' stipulation, the Court entered an order setting a briefing schedule, including that July 19, 2024 was the deadline for Special Agent Landis to file his Motion to Dismiss. ECF No. 34. An evidentiary hearing is scheduled for November 26 and 27, 2024. The Court deadlines and hearing schedule were set to allow all parties adequate time to prepare robust briefings and for the Court to hold a full evidentiary hearing.

6. Based on the Court's prior rulings, the time from May 20, 2024, to July 10, 2024, is already excluded from the Speedy Trial Act. Once Special Agent Landis' Motion to Dismiss is filed, the time from July 19, 2024 until the motion is resolved by the Court is also excluded. The time from July 10, 2024, to July 19, 2024, however, is not excluded.

7. The additional time, between July 10 and 19, 2024, is necessary to prepare Special Agent Landis' Motion to Dismiss and he agrees to the exclusion.

8. I believe that "[t]he ends of justice [are] served" by excluding time and "such action[s] outweigh the best interest of the public and the defendant in a speedy trial." 18 USC § 3161(h)(7).

9. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON this 16th day of July 2024

s/ Michelle Holman Kerin

Michelle Holman Kerin